

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

SHIRLEY SKIPPER-SCOTT

PLAINTIFF

VS.

CIVIL ACTION NO. 3:13-cv-17-HTW-LRA

ERIC HOLDER, ATTORNEY GENERAL,
DEPARTMENT OF JUSTICE

DEFENDANT

ORDER

Plaintiff requests this Court to appoint her an attorney to represent her in prosecuting this complaint wherein she charged that her former employer, the U.S. Department of Justice, Federal Bureau of Prisons, discriminated against her [ECF No. 2].

Title VII does provide for the appointment of an attorney for a Title VII complainant upon request "in such circumstances as the court may deem just." 42 U.S.C. §2000e-5(f)(1). However, there is no automatic right to appointment of counsel in a Title VII case, and the decision whether to appoint counsel rests within the sound discretion of the trial court. *Gonzalez v. Carlin*, 907 F.2d 573, 580 (5th Cir. 1990) *citing Caston v. Sears, Roebuck & Co., Hattiesburg, Miss.*, 556 F.2d 1305, 1309 (5th Cir. 1977).

The Court, in making its decision regarding appointment of counsel, should consider the finding of the E.E.O.C., the ability of the Plaintiff to pay retained counsel, and the efforts Plaintiff has taken to obtain counsel. No single factor is conclusive. *Gonzalez*, 907 F.2d at 580. This Court finds that this civil case, if meritorious, is a fee-producing case, and these circumstances do not justify appointing involuntary counsel. Plaintiff was able to pay her filing fee and should be able to find private counsel in this case. She gives no reason why she needs free counsel in her motion. In her Complaint, she states that she has "diligently made every effort to retain an Attorney, but to

no avail.” Considering all the factors, the Court finds that this is not a case wherein free counsel should be provided for a civil litigant.

Plaintiff is advised that she has 120 days from the filing of her Complaint to serve process on the named Defendants in this cause.

THEREFORE, Plaintiff's motion to appoint counsel[is **denied**.

SO ORDERED, this the 29th day of January, 2013.

/s/ Linda R. Anderson
UNITED STATES MAGISTRATE JUDGE